IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9939 of 1999

Between:

Bogala Kotireddy, S/o Veerareddy, Aged 60 years,
R/o Bakkamantulagudem, Chowtupalli P.O.,

Matampali Mandalam, Nalgonda District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh Rep. by its Secretary,
Revenue Department, Secretariat, Buildings Hyderabad
2 The Collector,
Nalgonda District, Nalgonda.
3 Mandal Revenue Officer
Mattampalli Mandalam, Nalgonda District.
4 The Special Commissioner, Land Revenue,
Nampally, Hyderabad.
5 The Asst. Director of Fisheries,
Nalgonda.
6 The Fisheries Cooperative Society Ltd,
Chowtapalli, Mattampalli Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ one in the nature of Writ of 'Certiorari' calling for the records in CLR's Ref.No.TT3/3521/96 dt:15-12-98 passed by the 4th respondent and quash the same and

consequently grant fishing rights to the petitioner and pass

Counsel for the Petitioner: MR.KRISHNA MOHAN SIKHARAM

Counsel for the Respondent No.1 to 5 : GP FOR REVENUE

Counsel for the Respondent No.6: Sri S.V.Ramana Reddy,

The Court made the following :

ORDER:

The petitioner is the owner and patedar of Ac.120.34 guntas in Sy. No. 6 of Chowtapalli village, Mattampalli Mandal, Nalgonda District and it is a tank bed land and due to excavation of Nagarjuna Sagar Canal, the entire extent comes under submergence through the year. While so, the Fisheries Department let out the tank to the 6th respondent Society and the petitioner herein preferred representation to the Government seeking either compensation for the loss caused to him or to grant permanent fishing rights over the tank, which was rejected by GO Ms. No. 732 dated 21.7.1994.

Aggrieved of the same, the petitioner filed WP No. 15648 of 1994 before this court, which was dismissed on 21.9.1994, holding that the petitioner ought to have approached Civil court for appropriate relief. Aggrieved of the same, the petitioner herein filed WA No. 1254 of 1996 which was disposed of by a Division Bench of this Court on 8.4.1996 remanding the matter back to the Commissioner for Land Revenue with a direction to decide the question afresh as to whether the petitioner is the pattedar of the land in question and if so, what are the rights of pattedar over the tank bed land including the right for fishing. The Commissioner, Land Revenue, Hyderabad, rejected the claim of the petitioner over the land by order dated 15.12.1998 holding that the petitioner is not the pattedar of the land in question. Therefore, the petitioner filed this writ petition.

The case of the Government is that the petitioner was declared as surplus land holder vide CC No. 7335/75/HNR and he surrendered Ac.16.93 of land towards surplus, that the land in dispute is in Sy. No. 6 and it is under submergence of Vooracheruvu since ti9mes immemorial, that the land was not computed for the purpose of determining the surplus, that even if it was computed, it would have been a surplus land to be surrendered to the Government. It is further submitted that an amount of Rs.93,577/- was spent on its maintenance from 1966 to 1992 by Irrigation Department and as per District Gazette No. 7 Dated 28.7.1980, it was notified as Government source under control of the Executive Engineer, I.B. Division, Nalgonda and earlier, the Government issued GO Ms. No. 732 Revenue (Assn.IV) Department, dated 21.7.1994 rejecting the claim of the petitioner for the land in question.

Evidently, case of the Government is not controverted by the petitioner by clinching evidence. The averments narrated above, make it clear that the petitioner has no claim over the land in dispute and it is Government land and the Fisheries Department has got right over the land. Having regard to these facts and circumstance, the writ petition fails and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

June 9, 2005

MAS

To

1. The Secretary, Government of Andhra Pradesh Rep. by it's

Revenue Department, Secretariat Buildings Hyderabad

2 The Collector,
Nalgonda District, Nalgonda.

3 Mandal Revenue Officer
Mattampalli Mandalam, Nalgonda District.

4 The Special Commissioner, Land Revenue,
Nampally, Hyderabad.

5 The Asst. Director of Fisheries,
Nalgonda.

6 The Fisheries Cooperative Society Ltd,
Chowtapalli, Mattampalli Mandal, Nalgonda District.

7. 2 copies to the Govt. Pleader of Revenue,1) 2 CD copies

8. 1 CC to MR.MUNI REDDY

*Form-NIC-OGS/WP{**SAM**}*